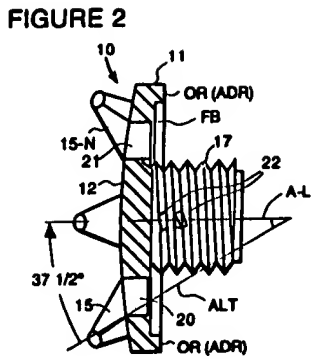
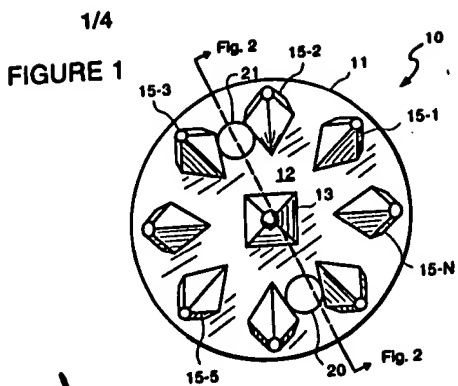


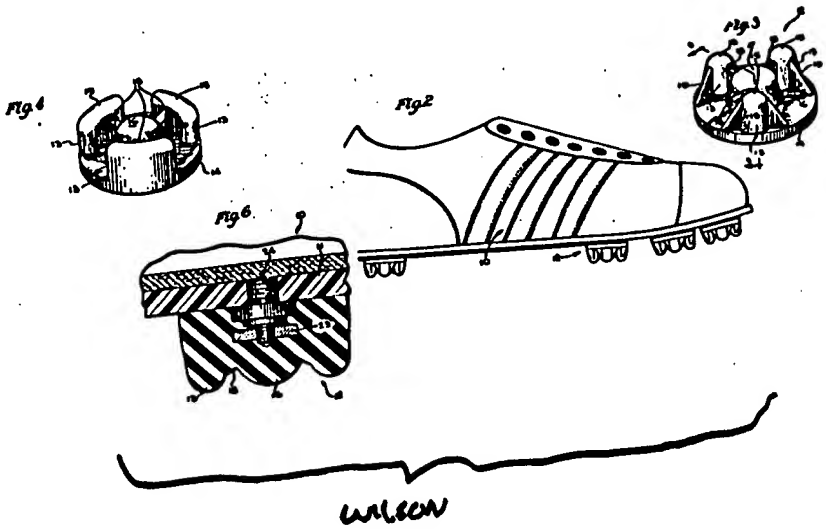
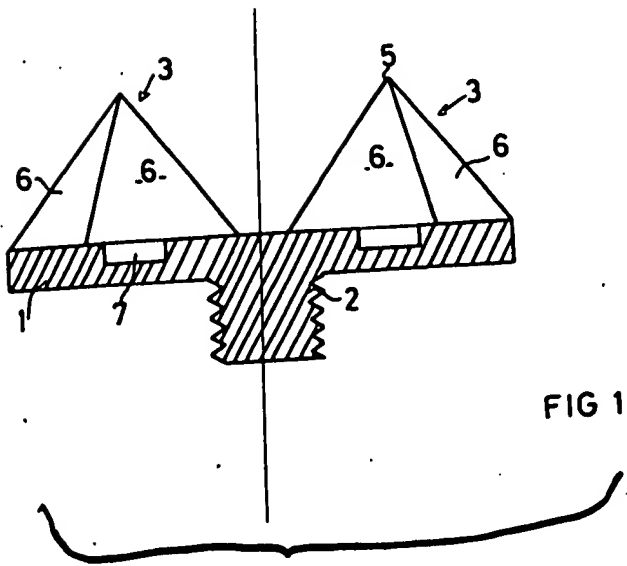
Reconsideration of the rejection of Claims 2 and 5 under 35 U.S.C. §103(a) as being unpatentable over Bouyer (French Patent 2679421) or Wilson (US 3,656,245) in view of either Kelly (US 5,321,901) or Jordan (US 4,014,114) is respectfully requested.

Initially, applicant reiterates his contention that the Examiner's rejection of claims directed to the anti-debris ring is beyond the ambit of the remand.

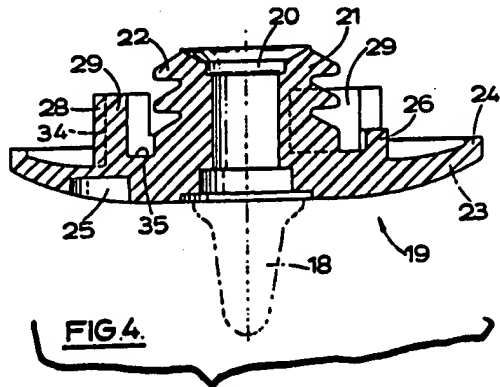
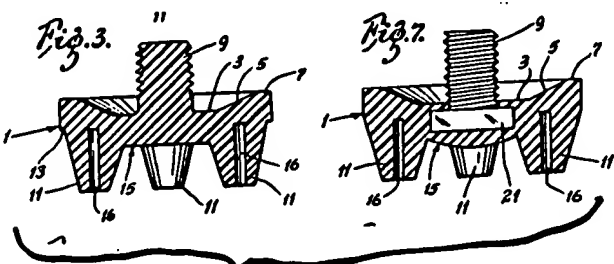
For convenience of reference, a xerographic collage of applicant's Figures 1 and 2 and prior art of Bouyer, Wilson's Figures 2, 3, 4 and 6, Jordan Figures 3 and 7, and Kelly Figure 4 is presented on the following page:



Applicant



BUYER



It is clear that the outer traction surface on each traction tooth having an outward angulation is the angle between the axis AL and the axis of the teeth ALT. In the disclosed embodiment, that angle is about  $37\text{-}1/2^{\circ}$ .

Neither Bouyer nor Wilson has an outward angulation as demonstrated above: their ground-engaging protuberances are perpendicular to the base.

Applicant is aware and recognizes that Claims 2 and 5 do not have the same language as Claim 22, for example, which specifies that each traction tooth has a traction surface facing away from the axis AL, but submits that the proper claim interpretation of Claims 2 and 5 as well as Claim 10 is that given above: Neither Bouyer nor Wilson disclose teeth with an outward angulation relative to the central axis AL.

Claims 2 and 5 also feature the anti-debris ring ADR which is formed integrally with the body member and projects from the inner face of the body member. This anti-debris ring prevents the edge of the cleats from separating from the soles of the golf shoe thereby precluding the entry of debris and precludes the trapping of the same therein. Moreover, as the cleat is snugged down, it causes the ring to more tightly hug the sole thereby further precluding the entry of debris.

Jordan's track shoe cleat shown in the lower left of the above collage has a rim 7 which provides the clamping surface to provide frictional resistance to the distance from the screw axis to

provide a large amount of resistance to external turning. Jordan only speaks of resisting dirt or other foreign matter accumulation between the spikes 11. Kelly, on the other hand, discloses a cleat (shown in Figure 4 in the lower right-hand corner of the xerographic collage). The purpose of Kelly's rim 24 does not appear to be disclosed but does butt up against the annular anchoring flange 4. Clearly, this is no teaching or suggestion of applicant's invention as defined by Claims 2 and 5.

Claim 10 is directed to the shape of the teeth, and Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claims 2 and 5, further in view of either Johnson (US 4,327,503) or Kataoka (US 5,321,913). On the following page, Johnson Figures 1, 2 and 3 have been added to the xerographic collage in the lower left-hand corner, and Kataoka et al Figure 14A has been added to the lower right-hand corner of the xerographic collage for convenience of reference. A person skilled in the art is left with the challenge of combining Bouyer or Wilson with Jordan or Kelly and Johnson or Kataoka. Neither Johnson nor Kataoka relates to cleats having a plurality of teeth or a cleat adapted to be secured to a golf shoe "upon rotation of said shoe mounting member in said receptacle." Both the protuberances of Kataoka and Johnson are molded into the sole of a shoe and to select these configurations as examples of the prior art to modify the teeth 3 of Bouyer is to use hindsight. The English abstract for the Bouyer disclosure reads as follows:

The spike or sport shoe, esp. for golf, consists of a disc (1) with a fixing (2) for attaching it to the sole of the shoe, and a series of points (3) conical in shape and with a height equivalent to their base dia..

The points can be in the shape of regular or irregular polyhedrons, separated by spaces. They can be, for example, in the shape of regular or irregular tetrahedrons, separated by a central cross-shaped space on the disc, and their outer edges can lie flush with the edge of the disc or be inside it. The surface of the disc on which the points are mounted can be flat or convex in shape.

No suggestion here of applicant's construction or no suggestion here of the construction disclosed in Johnson or Kataoka (assuming the Examiner's correctness in contending that these two references disclose the pseudo-pyramid shape specified in Claim 10).

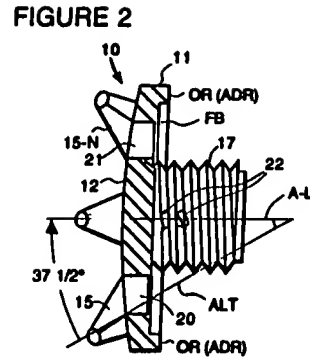
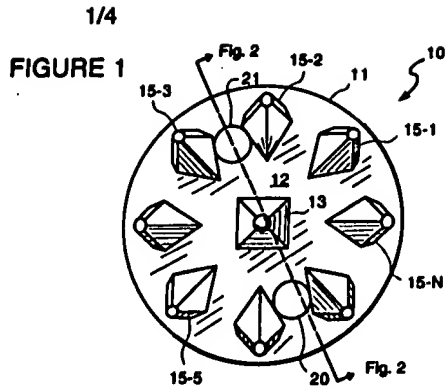
Reference is made to the Wilson specification, column 1, in the paragraph bridging columns 1 and 2, reading as follows:

Broadly stated, the present invention comprises a shoe cleat particularly useful for shoes worn by participants in sporting events to provide improved engagement with the playing surface on which the sporting event takes place and including a grouping of projections extending generally perpendicularly from the shoe in the direction of the playing surface, the projections having relatively blunted non-penetrating tips adapted to engage the playing surface with limited penetration of the playing surface by the projections. The preferred grouping comprises a plurality of projections disposed in spaced apart relation with respect to each other and in a generally concentric array about a central axis, each of the projections having a cross sectional area which is small with respect to the transverse dimension of its respective grouping.... (Emphasis added.)

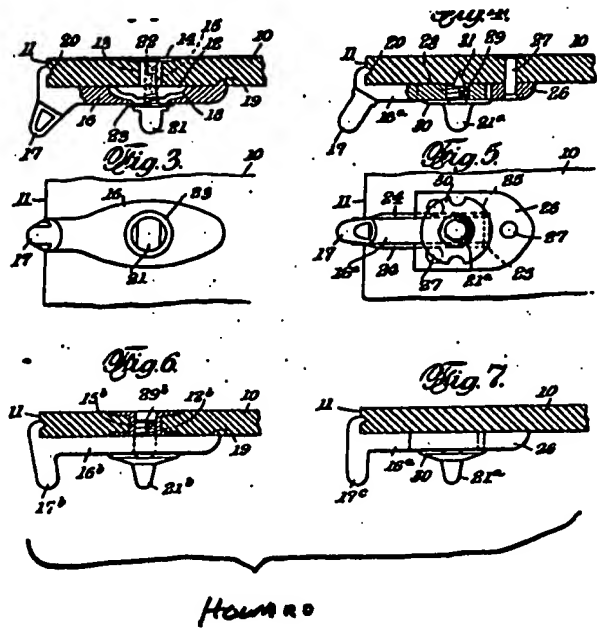
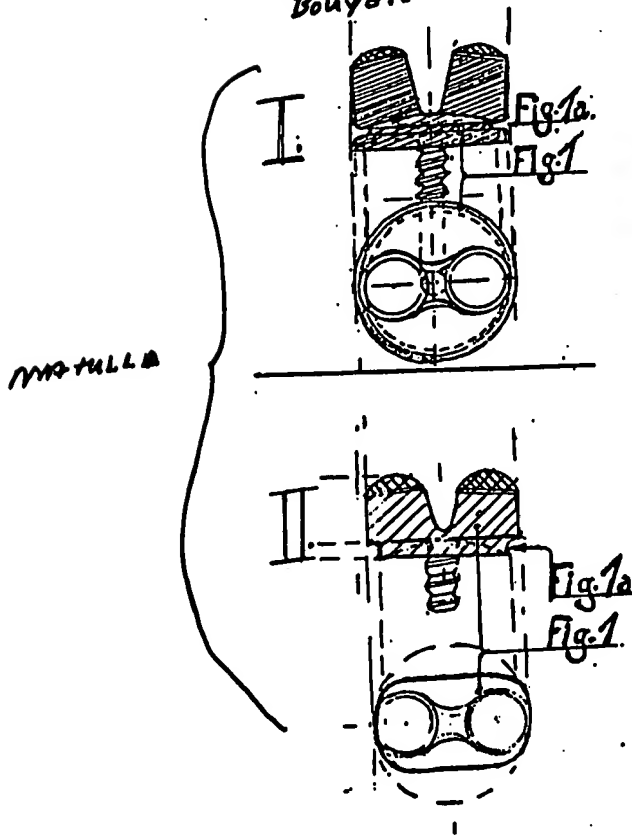
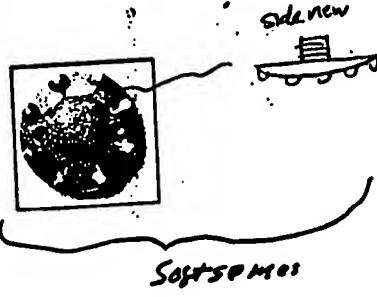
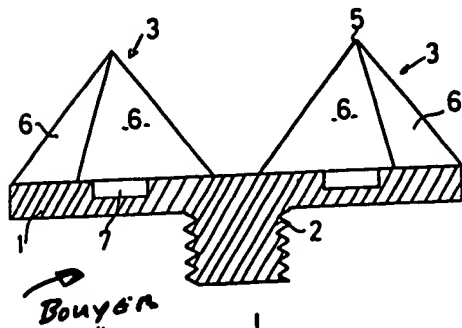
Clearly, there is no teaching or suggestion here of modifying the shape of the teeth to be a pseudo-pyramid shape as defined by applicant.

Reconsideration is respectfully requested of the rejection of Claims 2, 5, 22, 28 and 30 under 35 U.S.C. §103(a) as being unpatentable over Softspikes (A unique Holiday Offer article) or Bouyer in view of either Howard (US 2,095,095) or Matulla (German 3811513).

For convenience of reference, a xerographic collage of applicant's cleat, Bouyer's cleat, Softspikes' cleat, Matulla's cleat and Howard's cleat is reproduced on the following page:



APPELLANT



The outer surface facing away from the axis of the threaded stud of Matulla does not appear to be angled outwardly, and the lines drawn there to show this are the lines of the original reference. Howard's spikes are conventional high profile steel spikes "which may be outwardly directed, as illustrated, at right angles [Fig. 7] to the plane of the sole or inwardly directed [Fig. 6]." Nothing is said in the reference about there being a circular array of low profile traction teeth projecting outwardly around the perimeter of the outer face with each traction tooth having an outer traction surface facing away from the axis and with each traction surface having an outward angulation to provide lateral stability and enhanced traction through the plane of a golf swing. It should be appreciated that there are a plurality of applicant's cleats on a golf shoe spaced in a circular array around the axis AL of the cleat. The circular array of low profile traction teeth are rotated about the axis of the stud when mounting in the shoe receptacle and end up with all of the circular array of low profile traction teeth projecting outwardly at an angle ALT relative to the axis AL to provide lateral stability and enhanced traction "through the plane of a golf swing. It is the cumulative annular array of angled teeth that provides the lateral stability and enhanced traction through the plane of the golf swing -- not just a single angled tooth. It does not follow from the citation of Howard that the outward angling of the outer traction surface should face away from the axis of the threaded stud to increase the traction and



ensure against lateral slipping. Note that Howard provides outward angulation, vertical angulation or downward angulation and inward angulation. He seems to think that any of these angulations is satisfactory.

Applicant respectfully submits that neither Softspikes nor Bouyer provides the nexus for the combination proposed by the Examiner and that neither Howard nor Matulla provides the requisite nexus. The nexus is provided by applicant's disclosure and nothing else.

The rejection of Claims 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over the references applied to Claims 2, 5, 22, 28 and 30, further in view of Kelly or Jordan is respectfully traversed. Applicant has shown above that neither Softspikes nor Bouyer, as modified by the cleats of Howard or Matulla, results in the basic construction.

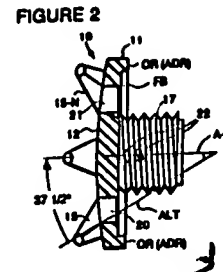
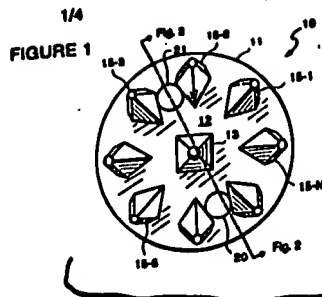
Kelly and Jordan provide the rim for rings, but to characterize them as "anti-debris rings" is to give them a function which the two disclosures do not attribute to them. It is not clear from the disclosures of Kelly or Jordan that they would inherently serve as anti-debris rings. Based on the fact that neither Kelly or Jordan calls their rims 24 or 27 "anti-debris rings", applicant objects to the Examiner characterizing these elements 24, 27 as "anti-debris rings." As noted above, it is not clear that these elements perform this function in the cited references.

Although the Examiner has referred to Claim 26, it is not clear that Claim 26 has been rejected. However, assuming that the Examiner intended to reject Claim 26 under 35 U.S.C. §103 as being obvious, reconsideration is respectfully requested. Claim 26 which depends from Claim 24 is patentable for the same reason. In addition, note that, of the references cited against Claim 24, none discloses or suggests the Examiner's addition to these references: Bouyer has a threaded stud, Softspikes likewise has a threaded stud, Matulla has a threaded stud, and likewise Howard which has a threaded member for securing his cleat extensions to the shoe sole. None of these references discloses or suggests the Examiner's addition to these references. Note also that Wilson and Jordan have threaded studs. Jordan depends on the friction between his annular member 7 and the shoe sole to prevent unscrewing.

The Examiner's attention is directed to Kelly which has threaded stud 22 and a special locking feature which comprises inner and outer locking formations which comprise at least one projection while the other of the locking formation provides at least one locking recess for receiving the projection and a stop member to prevent the cleats from being screwed in further. Applicant respectfully submits that this teaching in the art cited by the Examiner is contrary to the Examiner's suggestion regarding Claim 26 that it is conventional to provide fillets on threaded members to lock the threaded member in place. None of the cited references do, and Kelly suggests otherwise.

The rejection of Claims 25 and 27 under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claims 23 and 24 further in view of Johnson or Kataoka is respectfully traversed. Applicant has shown how Softspikes or Bouyer as modified by Howard or Matulla fails to teach or suggest the invention defined by the claims, namely, the outwardly angled teeth. To suggest that the outwardly angled teeth should be pseudo-pyramid shaped (e.g. cone-shaped on one side and pyramid-shaped on the other) is to use applicant's teaching as a guide to selecting features out of Johnson or Kataoka and does not flow naturally from the art.

Finally, the rejection of Claims 10 and 29 as being unpatentable over the references as applied to Claims 2, 5, 22, 28 and 30 further in view of Johnson or Kataoka is respectfully traversed for the reasons given earlier above. For convenience of reference, Bouyer, Wilson, Jordan, Kelly, Johnson and Kataoka are reproduced in the xerographic collage on the following page and demonstrate the farfetchedness of the Examiner's proposed combination:



*Applicant*

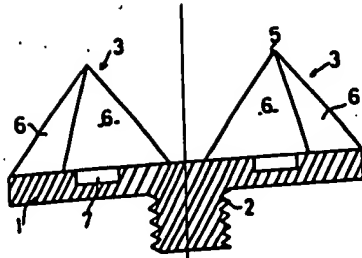
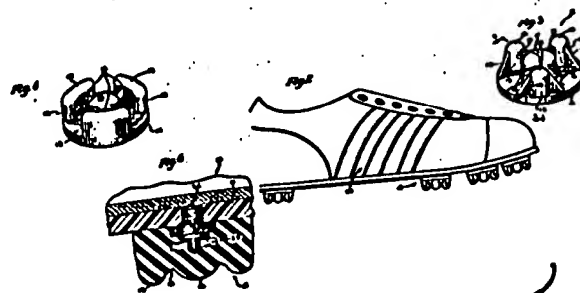
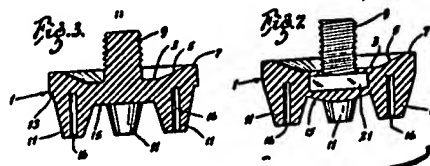


FIG 1

*BOUYER*



*WILSON*



*JORDAN*

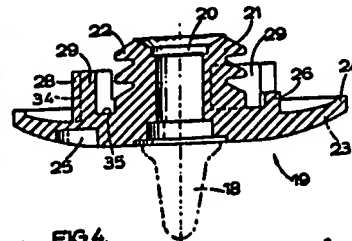


FIG 4

*KELLY*

*Fig. 14a*

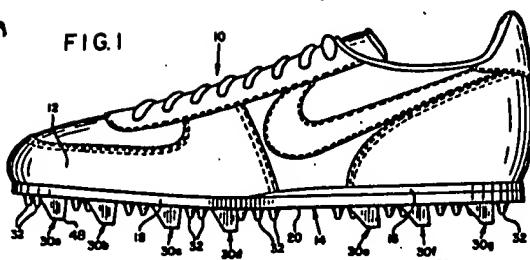


FIG 1

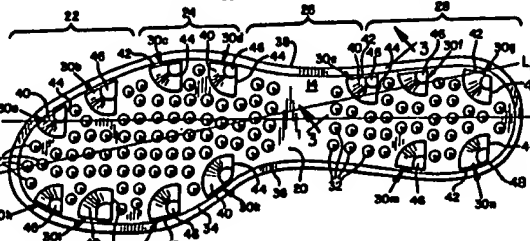


FIG 2

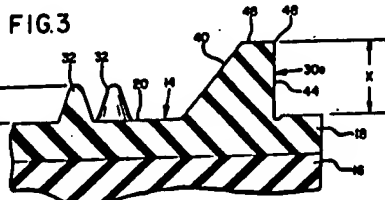
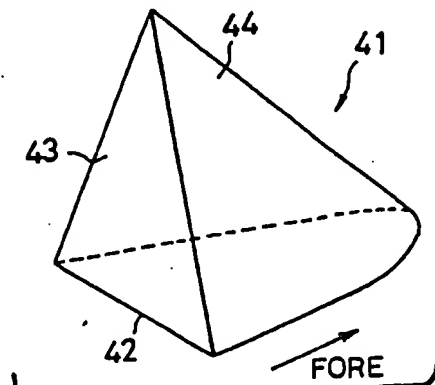


FIG 3



*KITAOKA ET AL*

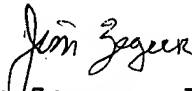
*JOHNSON*

Softspikes or Bouyer as modified have been shown to fail to teach, disclose or suggest the invention. Johnson and Kataoka are structural formations on the soles of athletic shoes, and to select features from these soles is to improperly use applicant's invention against him.

In view of the above, applicant respectfully submits that the Examiner has erred in rejecting the claims, and further and favorable consideration is respectfully requested.

A Notice of Appeal is being filed concurrently herewith.

Respectfully submitted,



Jim Zegeer, Reg. No. 18,957  
Attorney for Applicant

Attachment:      VERSION WITH MARKINGS TO SHOW CHANGES MADE  
                         NOTICE OF APPEAL

Suite 108  
801 North Pitt Street  
Alexandria, VA 22314  
Telephone: 703-684-8333

Date:    November 13, 2001

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

VERSION WITH MARKINGS  
TO SHOW CHANGES MADE

. . . . . Sheet 1 of 1

IN THE CLAIMS:

Amend Claim 23 as follows:

23. (Amended) The cleat defined in [Claim 1] Claim 22 wherein said inner face has a peripheral edge spaced from said shoe mounting member and an anti-debris ring formed integrally with said body member and projecting from said inner face.